

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ALAN HARVEY,

Plaintiff,

v.

ALAN DAMON HARVEY,

Defendant.

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No. 4:16CV55 RWS

MEMORANDUM AND ORDER

Before the Court is plaintiff Alan Harvey's complaint, as well as his motion for reconsideration of the Court's January 13, 2016 Memorandum and Order. Plaintiff's motion for reconsideration will be denied, and as a result of his failure to comply with the Court's Order, his case will be dismissed, pursuant to Fed.R.Civ.P.41(b).

In the Court's prior Memorandum and Order, the Court transferred plaintiff's case from a miscellaneous action, to the present civil action and ordered plaintiff to pay the full \$400 filing fee. The Court also warned plaintiff that it appeared that he was seeking a "name change," and a "constructive trust" in a name, and that such matters are not within the jurisdiction of this Court. *See* 28 U.S.C. §§ 1331 and 1332. Despite the Court's warning, in his motion for reconsideration, plaintiff does nothing more than repeat the "sovereign citizen" assertions contained within his complaint, which this Court, following courts around the nation, has long dismissed as frivolous. *See, e.g., United States v. Schneider*, 910 F.2d 1569, 1570 (7th Cir.1990) (describing defendant's proposed "sovereign citizen" defense as having "no conceivable validity in American law"); *United States v. Hart*, 701 F.2d 749, 750 (8th Cir.1983) (per curiam) (characterizing as frivolous an appeal in tax case challenging government's jurisdiction over "sovereign citizen"). Thus,

plaintiff's motion for reconsideration of the Court's January 13, 2016 Memorandum and Order will be denied.

As plaintiff has failed to comply with that Memorandum and Order, namely having failed to either file a motion to proceed in forma pauperis, along with a CJA 23 Financial affidavit, or pay the full \$400 filing fee, the Court will dismiss this action, without prejudice, pursuant to Federal Rule of Civil Procedure 41(b).

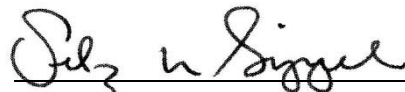
Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for reconsideration [Doc. #7] is **DENIED**.

IT IS FURTHER ORDERED that this action will be DISMISSED pursuant to Fed.R.Civ.P.41(b) as a result of plaintiff's failure to pay the filing fee or file a motion to proceed in forma pauperis, along with a CJA 23 Financial Affidavit.

A separate Order of Dismissal shall accompany this Memorandum and Order.

Dated this 25th day of February, 2016.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE